

PANAMA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Panama is a multiparty constitutional democracy. In 2019 voters chose Laurentino Cortizo Cohen as president in national elections that international and domestic observers considered generally free and fair.

The country has no military forces. The Panama National Police is principally responsible for internal law enforcement and public order, and the National Border Service handles border security. The country also has a National Aeronaval Service that is responsible for carrying out naval and air operations. Civilian authorities maintained effective control over the security forces. There were credible reports that members of security forces committed some abuses.

Significant human rights issues included credible reports of: serious problems with the independence of the judiciary; serious restrictions on free expression and media, including censorship and the existence of criminal libel laws; and serious government corruption.

Impunity among security forces existed due to weak and decentralized internal control mechanisms for conduct and enforcement. Corruption was a serious problem in the executive, judicial, and legislative branches as well as in the security forces. The law provides criminal penalties for corruption by officials, but the government generally did not implement the law effectively.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices, and there were no reports that government officials employed them.

Impunity among security forces existed due to weak and decentralized internal control mechanisms for conduct and enforcement, in addition to a culture of corruption. Poor availability of data made the extent of impunity difficult to gauge. The National Criminal Statistics Directorate was unable to provide thorough data on the police's internal affairs, as the government rarely made cases of police abuse or corruption public. The Panama National Police's internal affairs office is responsible for enforcing conduct violations but was inefficient and resisted efforts to modernize. National police authorities provided training and information to officers to discourage involvement in narcotics trafficking and corruption.

Prison and Detention Center Conditions

Prison conditions remained harsh due to overcrowding, insufficient internal security, a shortage of prison guards, lack of potable water, and inadequate medical services and sanitary conditions.

Physical Conditions: According to the Ministry of Government's National Directorate of the Penitentiary System (DGSP), as of October the prison system held 19,169 prisoners in facilities with an intended capacity of 14,591. Pretrial detainees shared cells with convicted prisoners due to space constraints. Prison conditions for women were generally better than for men, but conditions for both populations were poor. Several facilities were overcrowded, and several others lacked adequate inmate security and medical care, basic supplies for personal hygiene, and potable water.

Nongovernmental organizations (NGOs) with access to prisons reported that self-

described evangelical pastors and gang leaders continued to tightly control the pavilions inside the prisons. The NGOs reported perceived favoritism towards evangelical inmates who appointed themselves “leaders of the prison pavilions.” NGO representatives also reported that perceived corruption within the prison system enabled these “leader” inmates to receive privileges, most likely requiring the collaboration of police or civilian custodians. Other inmates had to secure approval of these “leaders,” which often involved payment of bribes, to obtain expedited transfers or access to their legal counselors.

Gang activity in prisons represented a daily threat to prisoner safety. NGO representatives said prison security personnel and inmates’ relatives were likely complicit in the smuggling of weapons. In March and April, cats and pigeons were used to smuggle illicit substances into the Colon Nueva Esperanza prison. In April and July, prison security agents caught drones entering the prisons’ perimeters carrying either weapons, drugs, or cell phones. Authorities found a dog serving as a message courier between gang members within the La Joya prison complex.

Despite various sanitary protocols implemented due to the pandemic, medical care overall was inadequate due to lack of personnel, transportation, and medical resources. As of August, the Ombudsman’s Office had received 377 complaints against prisons, 223 of them for human rights violations due to lack of medical care during the pandemic. Authorities transferred patients with serious illnesses to public clinics, but there were constant difficulties in arranging inmate transportation. During the year the DGSP adapted a truck to work as an ambulance to serve the La Joya complex. Transfer of inmates depended on the availability of police vehicles or the limited national ambulance system. Starting in February, DGSP began its nationwide vaccination program, which included vaccines against tuberculosis, hepatitis, measles, influenza, and COVID-19.

Administration: Authorities conducted investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted prison monitoring by independent nongovernmental observers. The Ombudsman’s Office prisons officer conducted several unannounced visits without restrictions. Human rights NGOs seeking access to prisons were required to send a written request to the

DGSP 15 days in advance.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law requires arresting officers to inform detainees immediately of the reasons for arrest or detention and of the right to immediate legal counsel. During the pandemic there were several complaints of abuse of authority by police agents detaining persons during the quarantine and curfew. Most complaints focused on the verbal mistreatment of citizens at checkpoints.

Legal cases opened prior to the transition to the accusatory justice system (SPA) continued to be processed under the previous inquisitorial system. Courts' ruling under the inquisitorial system in the Panama and La Chorrera judicial districts were scheduled to close permanently in December. Both systems demonstrated vulnerabilities to corruption, inefficiencies, and bureaucratic obstacles. Informality in the judicial processes, such as sending documents through mobile messenger platforms instead of official emails, became the norm for some lower-level court judges, thus jeopardizing the transparency of the judicial process.

Under the SPA, bail exists but was rarely granted because of implementation of a less costly provisional release system. Under the inquisitorial system, a bail procedure exists for a limited number of crimes but was largely unused. Most bail proceedings were at the discretion of the Prosecutor's Office and could not be initiated by detainees or their legal counsel. Bail was granted in high-profile corruption cases, which prompted complaints by civil society that the Public Ministry was administering "selective" justice.

The law prohibits police from detaining adult suspects for more than 48 hours but allows authorities to detain minor suspects for 72 hours. Under the SPA, arrests and detention decisions were made on a probable cause basis.

Arbitrary Arrest: During the COVID-19 pandemic, individuals violating curfews established nationwide were arrested but had access to legal representation. They were released after paying the corresponding fine.

Pretrial Detention: According to official statistics, as of October approximately 37 percent of inmates had not been convicted. Full implementation of the SPA structure nationwide decreased the number of pretrial detainees consistently since 2016.

e. Denial of Fair Public Trial

While the law provides for an independent judiciary, the lack of criminal convictions for corruption reinforced widespread public opinion that the judicial system was susceptible to corrupt internal and external influence.

Most allegations of manipulation of the justice system continued to be related to the influence of political actors. Former president Ricardo Martinelli's 2018 extradition from the United States to face illegal wiretapping charges resulted in an August 2019 "not guilty" verdict, but an appeal by the prosecutors was admitted by the Superior Court in November 2020. A new trial began in July; four of the six plaintiffs withdrew from the case at that time. The trial ended on November 9 with Martinelli's acquittal, a decision decried by many prominent members of civil society.

Unlike in accusatory system cases, court proceedings for cases in process under the inquisitorial system were not publicly available. As a result, nonparties to inquisitorial case proceedings did not have access to them until a verdict was reached. Under the inquisitorial system, judges could decide to hold private hearings and did so in high-profile cases. Consequently, the judiciary sometimes faced accusations, particularly in high-profile cases, of procedural irregularities. Since most of these cases had not reached conclusion, the records remained under seal. Interested parties generally did not face gag orders, and because of this lack of transparency, it was difficult to verify facts.

Trial Procedures

The law provides for the right to a fair and public trial, and the judiciary generally

enforced this right. The law provides that all citizens charged with crimes enjoy the right to a presumption of innocence. They have the right to be informed promptly and in detail of the charges (with free language interpretation available for non-Spanish-speaking inmates), to have a trial without undue delay, to have counsel of their choice and adequate time and facilities to prepare a defense, to refrain from incriminating themselves or close relatives, and to be tried only once for a given offense. The accused may be present with counsel during the investigative phase of proceedings.

By law the judicial branch is the only entity that schedules hearings within the SPA, while the Penitentiary System is in charge of facilitating logistics for detainees' attendance at virtual in-person hearings. Detention centers faced problems with virtual hearings due to lack of sufficient equipment and reliable wireless connections to support many scheduled hearings, which created delays. Following a change in SPA leadership in January, there were reports that some courts unofficially transferred the authority to set dates for virtual hearings to the Penitentiary System. This change led to reports of unfair administration of justices, further delays or missed hearings, and a lack of accurate statistics on the number of hearings conducted throughout the year.

The fully implemented SPA system stipulates that trials must be completed in less than 12 months. Due to the pandemic, a Supreme Court decree in January extended the term to 30 months. Judges may order detainees to be present during the pretrial phase to provide or expand upon statements or to confront witnesses. Trials are conducted based on evidence presented by the public prosecutor. Defendants have the right to be present at trial and to consult with an attorney in a timely manner, along with the right to enter into a plea deal. During the pandemic many of these hearings were conducted virtually, but at times alleged technical issues caused further delays in the hearings. Defendants have a right to appeal. The Penitentiary System's lack of equipment significantly reduced its capability to conduct virtual hearings. Most prisons were limited in their capacity to hold several hearings at once due a lack of available computers. Failure to hold a hearing meant that the affected inmates had to wait months, on average, for a rescheduled hearing. There were few if any hearings with multiple inmates.

The Public Defender's Office continued to fail to initiate the formal process for

early release of inmates in a timely fashion, despite written instructions from the judicial branch. No disciplinary actions were taken.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens have access to the courts to bring lawsuits seeking damages for, or cessation of, human rights violations, although most did not pursue such lawsuits due to the length of the process. There are administrative and judicial remedies for alleged wrongs, and authorities often granted them to citizens who followed through with the process. A court may order civil remedies, including fair compensation to the individual injured. Individuals or organizations that have exhausted domestic remedies may submit petitions alleging human rights violations to the Inter-American Commission on Human Rights.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits arbitrary interference with privacy, family, home, or correspondence, and the government generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media. The government generally respected this right, but journalists and media outlets noted a continuation of criminal and civil libel and slander lawsuits, which they considered a threat to freedom of expression and freedom of the press. In addition, media expressed concern with government and private-sector attempts to withdraw paid advertisements – a significant source of funding – when outlets published information that was unfavorable to them.

Violence and Harassment: In April the Inter American Press Association issued a report highlighting instances of police aggression against journalists covering public protests. In 2020 National Assembly deputy Zulay Rodriguez sued journalist Mauricio Valenzuela, of the online media outlet *Foco Panama*, in family court on charges of gender-based violence, infringing the rights of a minor, and attacking her personal liberty and integrity. Valenzuela reported Rodriguez's alleged involvement in trafficking gold. In September prosecutor Lorena Quiroz officially filed the case, and it was subsequently approved by a family court judge. The processing and admission of gender-violence charges (instead of libel and slander) resulted in public complaints by social media users and civil society organizations. The National Council on Journalism and the National Forum of Journalists issued a press statement questioning the charges and raising concerns regarding freedom of the press.

In April lawyer Ronier Ortiz, a member of former president Martinelli's legal defense team, publicly threatened *Foco Panama* for its negative coverage of Martinelli. In response the Journalists Forum, National Council of Journalists, and Panamanian Broadcasting Association issued a joint statement condemning direct threats of violence against media, calling Ortiz's statements "intolerable." In June journalist Flor Mizrahi received death threats after her investigative reporting uncovered an unregistered COVID-19 vaccination clinic clandestinely administering vaccines in the upscale neighborhood of Coco del Mar. Mizrahi filed a report with the Attorney General's Office, which opened an investigation into the matter.

In August, Annette Planells, cofounder of the NGO Independent Movement (MOVIN), received anonymous threats via third parties following the NGO's publication of alleged corruption schemes in the National Assembly. MOVIN is the founder and funder of *Foco Panama*.

Libel/Slander Laws: The law criminalizes defamation, and penalties include fines, imprisonment, or both. The case related to the 2020 civil court-ordered seizure of Corprensa's assets remained in the courts awaiting a ruling. Corprensa was overdue on posting financial bail of more than one million dollars for a 2012 libel and slander lawsuit brought by former president Perez-Balladares. Corprensa had been appealing the case for eight years.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but due to the COVID-19 pandemic, the government issued several resolutions limiting movements nationwide. Limitations included strict quarantine rules and long curfews. In July the Supreme Court of Justice ruled unconstitutional all Ministry of Health decrees forbidding movement based on gender, date, and national identification numbers. The ruling was significant for the transgender, nonbinary, and gender nonconforming communities as well as for persons with disabilities, who were most directly affected by the strict movement restrictions imposed in 2020.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

International organization and NGO partners reported that there continued to be barriers to integration of asylum seekers and refugees, including, but not limited to, lack of work opportunities and barriers preventing children in these populations from attending school.

Access to Asylum: The law provides for asylum or refugee status, and the government has established a system for providing protection to refugees. Despite the lifting of movement restrictions, the Panamanian National Office for Attention to Refugees (ONPAR) received a significantly reduced number of asylum and refugee applications. ONPAR reduced its backlog of asylum cases from nearly 20,000 to 11,000, but most cases were dismissed or asylum seekers had left the country. Admission and approval rates for asylees remained extremely low during the year (less than 1 percent). ONPAR processed initial asylum applications. Once a case is approved for consideration, the application is referred to the National Commission for Refugees, an interagency committee that decides the final status of every case. This committee meets only a few times a year and adjudicates fewer than 50 cases annually. The entire process could take up to three years. Those initially admitted into the process by ONPAR may obtain work authorization, but the waiting period also normally took a year and did not guarantee final approval.

The government approved and implemented a protocol for identification, referral, and attention for minors requiring international protection; however, the institutional protocol for protecting minors who migrate was pending implementation approval.

The government continued to manage camps in the Darien and Chiriqui Provinces that provide food, shelter, and medical assistance to migrants. Conditions in the camps remained difficult. At least one camp did not have regular access to potable

water and at times had unsanitary conditions due to the unprecedented increase of refugees, asylum seekers, and migrants. Authorities reported continued migration from Brazil, Chile, Cuba, Haiti, Venezuela, as well as from South Asia and Africa. Nearly all the migrants entered by foot through the Darien Gap, a roadless expanse of jungle on the eastern border with Colombia. International organizations reported an increase in acts of violence against migrants during their trek through the Darien Gap, including sexual assaults, robberies, and killings, prompting authorities to permanently assign three Public Ministry officials to document criminal complaints from migrants.

ONPAR did not have a permanent presence at migrant camps in the Darien region; persons who wished to request asylum had to approach the National Border Service, an international organization, or an NGO to request protection and then meet with an ONPAR representative, creating barriers to access and delays.

According to UNHCR and its NGO implementing partners, thousands of persons in the country needed international protection. These included persons in the asylum and refugee process, persons denied refugee status, and persons who did not apply for refugee status due to lack of knowledge or fear of deportation.

Employment: Refugees recognized by authorities have the right to work, but recognized refugees complained that they faced discriminatory hiring practices. To prevent such discrimination, ONPAR removed the word “refugee” from recognized refugees’ identification cards. By law ONPAR continued to assist applicants admitted to the refugee process with obtaining temporary work permits. Temporary work permits are valid for one year but may be renewed as many times as needed, until the National Commission for Refugees issues a final resolution on a case.

Access to Basic Services: Education authorities sometimes denied refugees access to education and refused to issue diplomas to others if they could not present complete certified school records from their country of origin. The Ministry of Education continued to enforce the government’s 2015 decree requiring schools to accept students in the asylum process at the grade level commensurate with the applicants’ prior studies. A UNHCR survey conducted during the year found that school-age refugee children often did not have the

financial resources or tools to take advantage of opportunities for virtual education. As a result of the long wait times to be entered into the asylum system, many applicants encountered difficulties accessing basic services such as health care, financial services, and appropriate housing.

Durable Solutions: The law allows persons legally recognized as refugees or with asylum status who have lived in the country for more than three years to seek permanent residency.

g. Stateless Persons

The government continued to work with Colombia to recognize approximately 200 stateless persons on the border.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot based on universal and equal suffrage. In October citizens protested against the National Assembly's proposed electoral reforms, which several members of civil society had criticized as politically motivated mechanisms that could increase corruption and clientelism.

Elections and Political Participation

Recent Elections: In May 2019 voters chose Laurentino Cortizo Cohen as president in national elections that independent observers considered generally free and fair. Elected at the same time were national legislators, mayors, local representatives, and council members. A group of international observers from the Organization of American States, the EU, electoral NGOs, regional electoral authorities, and the diplomatic corps considered the elections fair and transparent.

Political Parties and Political Participation: The law requires new political parties to meet strict membership and organizational standards to gain official recognition and participate in national campaigns. Political parties must obtain the equivalent of 2 percent of total votes cast to maintain legal standing. When the year began, there were six registered political parties, but three new political movements also received the Electoral Tribunal's official recognition. The three

new parties were Realizando Metas (Realizing Goals), led by former president Martinelli; Movimiento Otro Camino (Another Path Movement), led by the 2019 third runner-up, Ricardo Lombana; and Partido Alternativa Independiente Social (Alternative Social Independent Party, or PAIS), led by members of the evangelical community.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government generally did not implement the law effectively. Corruption remained a serious problem in the executive, judicial, and legislative branches as well as in the security forces.

Corruption: In March the Public Ministry filed charges against 25 individuals accused of using \$43 million in public funds to purchase the Editora Panama America newspaper group. In April the Public Ministry filed charges against two former presidents, Ricardo Martinelli and Juan Carlos Varela, and three former ministers, Demetrio “Jimmy” Papadimitriu, Frank De Lima, and Jaime Ford, for corruption related to the Odebrecht case. As of October the courts had not made a decision in either case.

In June a major scandal broke nationwide when journalists found a private clinic administering Pfizer vaccines for an alleged fee of \$200. COVID-19 vaccines (Pfizer and AstraZeneca) were solely managed – purchased, guarded, and administered – by the Ministry of Health. In December the Public Ministry pressed criminal charges against two individuals involved in the case. Separately, former president Ernesto Perez Balladares publicly admitted to being vaccinated prior to national availability along with 10 members of his family at his residence. Meanwhile, the rest of the country, including President Cortizo, awaited their turn as dictated by the ministry’s strict guidelines on age, health conditions, and place of residence. The Public Ministry did not open investigations into the matter or

file charges for abuse of authority or corruption.

Corruption and lack of accountability continued in the police force. The public forces lacked an impartial investigative body for internal investigations. The absence of clear standard operating procedures allowed for discretion by agents on a case-by-case basis. The lack of periodic audits over operations to oversee efficiency, efficacy, accountability, and transparency contributed to the problem. In September authorities arrested a corporal and two agents from the Institutional Protection Service in a counternarcotics sting that revealed a network of individuals trafficking drugs from Colombia.

As of October investigations continued in the 2020 case involving weapons and weapons-trafficking charges against more than 25 individuals, most of whom were high-level security officials during the previous government. The charges involved the illegal distribution to the officials of legally imported weapons, some designated “weapons of war.” The Public Security Affairs Directorate, the office within the Security Ministry that regulates and licenses firearms, was associated with corruption in the past, and at least two former officer directors were facing charges, with one of them implicated in the case. Some defendants filed legal proceedings before the Supreme Court alleging courts’ restrictions to their right to defense by lower courts. As of October the court had not ruled on the writ of mandamus.

There were no developments in the 2020 Public Ministry investigations of national government institutions allegedly overpaying for ventilators and purchasing used ventilators to treat COVID-19 patients.

Section 5. Governmental Posture Toward International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating and making public their findings on human rights cases.

Government Human Rights Bodies: The ombudsman, elected by the National

Assembly, heads an office with legal but nonbinding authority. The Ombudsman's Office refers cases to the proper investigating authorities and files cases before the Public Ministry. In a national television interview in August, the ombudsman publicly complained that the government refused to dedicate sufficient resources for human rights purposes (investigations, information gathering, infrastructure, and more professional staff and training, among others.) The Ministry of Economy and Finance reduced the 2022 Ombudsman's Office budget to \$5.6 million, an amount like its 2012 budget. The ombudsman's executive team said the reduction would diminish the entity's capacity to oversee human rights issues in the management of prisons and migrant camps; investigate reports of gender violence and discrimination against persons with disabilities, members of ethnic groups, as well as lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons; and sustain staffing of three of its 14 offices and maintain its vehicle fleet.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, and stipulates prison terms of five to 10 years. Rapes continued to constitute most sexual crimes investigated by the National Police Directorate of Judicial Investigation. In April the Supreme Court found National Assembly member Arquesio Arias, a Guna Yala native, not guilty in both of his 2020 charges for sexual assault, alleging a "lack of evidence." Arias was a physician in his indigenous *comarca* (a legally designated semiautonomous area) and was denounced by several Guna Yala women for sexual misconduct and abuse. Arias returned to his legislative seat on July 1. The law against gender violence stipulates stiff penalties for harassment, gender-based violence, and both physical and emotional abuse. For example, the law states that sentencing for femicide is 25 to 30 years in prison, whereas penalties for other forms of homicide range from 10 to 20 years in prison. The law was not effectively enforced. Officials and civil society organizations agreed that domestic violence continued to be a serious problem.

As of October the Public Ministry reported 13,013 new cases of domestic violence nationwide, including 12 attempted femicides and 16 femicides. The province of

Panama Oeste and the Ngabe Bugle comarca led the numbers with four femicides each, followed by the Panama Province with three cases. In August, Panama City's deputy mayor Judy Meana pressed charges against her partner for domestic violence. The alleged abuser was detained for several hours. The judge released him while requiring that the accused release his passport to the court, appear before the court's office every Monday, Wednesday, and Friday, and adhere to a restraining order from Meana. The prosecutor filed an appeal, but the judge upheld the decision.

From January through August, the National Institute for Women's Affairs continued to operate its hotline to give legal guidance to victims of domestic violence and extended its services to include mental health services for women facing stress as a result of the COVID-19 pandemic. Hours of operation were reduced from 24/7 to 9 a.m. to 5 p.m. due to a shortage of professional staff to support the hotline. If a caller were at risk during the call, the operator would make a connection with the Specialized Unit for Domestic and Gender Violence within the police department. After professional staff returned to in-person work in September, the hotline services were discontinued due to staffing limitations. The institute continued to work under a budget that did not allow for victim services and assistance.

Sexual Harassment: The law prohibits sexual harassment in cases of employer-employee relations in the public and private sectors and in teacher-student relations but not between colleagues. Violators face a maximum three-year prison sentence. The extent of the problem was difficult to determine because convictions for sexual harassment were rare, pre-employment sexual harassment was not actionable, and there was a lack of formal reports (only 16 cases had been reported as of September).

Investigations at the Public Ministry continued in the 2020 case of a National Aeronaval Service (SENAN) female pilot who filed a criminal complaint for sexual harassment against her immediate supervisor. Both the man accused of the harassment and the victim were transferred to other departments and given new duties. For months during the year, many restrooms for women at SENAN remained locked due to the pending case. In these cases, women needed to obtain a key from a specific office to access their restrooms. Restrooms for men

continued to be open and unlocked at all times.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The law permits medical professionals to perform abortions only if the fetus, the mother, or both are in danger, or, in some very limited cases, if the pregnancy is the result of rape.

The government provided sexual and reproductive health services for survivors of sexual violence, including emergency contraception.

Discrimination: The law prohibits discrimination based on gender, and women enjoyed the same legal status and rights as men, but the law was not enforced. For example, SENAN permitted female pilots to fly only as copilots, while male newcomers with less seniority were allowed to fly as principal pilots without restrictions. The law recognizes joint property in marriages. The law does not mandate equal pay for men and women in equivalent jobs. Some employers continued to request pregnancy tests, although it is an illegal hiring practice. The law puts restrictions on women working in jobs deemed hazardous.

Systemic Racial or Ethnic Violence and Discrimination

Minority groups were generally integrated into mainstream society. Prejudice was directed, however, at recent legal immigrants, the Afro-Panamanian community, and indigenous Panamanians.

The Afro-Panamanian community continued to be underrepresented in governmental positions and in political and economic power. Areas where many Afro-Panamanians lived lagged in terms of government services and social investment. The government's National Secretariat for the Development of Afro-Panamanians focused on the socioeconomic advancement of this community.

As of August, the Ombudsman's Office had received six complaints of racism. Five of the complaints involved the use of traditional African costumes at work sites. The sixth report concerned a public school that barred a student's use of hair braids. After the ombudsman contacted the school principal regarding the matter,

the student was allowed to attend his virtual classes in braids.

The law prohibits discrimination in access to public accommodations such as restaurants, stores, and other privately owned establishments. Lighter-skinned individuals continued to be overrepresented in management positions and jobs that required dealing with the public, such as bank tellers and receptionists.

Indigenous Peoples

The law affords indigenous persons the same political and legal rights as other citizens, protects their ethnic identity and native languages, and requires the government to provide bilingual literacy programs in indigenous communities. Despite the law's requirement, the government failed to assign funds necessary for completion of the bilingual literacy project. Indigenous persons have the legal right to take part in decisions affecting their lands, cultures, traditions, and the allocation and exploitation of natural resources. Nevertheless, they continued to be marginalized in mainstream society. Traditional community leaders governed comarcas for five of the country's seven indigenous groups.

Several of the groups faced internal governance problems, since they either did not have legally elected authorities, or the government delayed the recognition of their duly elected authorities. This complicated the receipt of government funds, including those allotted to combat the spread of COVID-19. During the year the government issued an executive degree regulating elections in the Ngabe Bugle comarca, which had been on stand-by since 2017.

The government unofficially recognized eight other traditional indigenous government authorities, on the basis that these eight regions were traditionally organized indigenous settlements and territories that were excluded from the constitution when the original comarcas were designated in 1938. The traditional government authorities are organized under a national coordinating body for indigenous affairs, the National Coordinator of Indigenous Peoples. In August the coordinating body stated that high-level government authorities had ignored their meeting requests, which they considered discriminatory, since the government held meetings with other ethnic groups and associations. The coordinating body also expressed concern that the government was stalling full implementation of the

Indigenous Peoples Development Plan.

Officials from various government entities continued to meet with traditional organized authorities from indigenous communities, many of whom requested recognition of their land via collective titles. No collective land titles were granted during the year, however, and land conflicts continued to arise. Several Embera communities in Darien Province claimed that illegal settlers continued to enter their lands during the COVID-19 pandemic, despite the nationwide movement restrictions, and that their complaints went unaddressed. The Supreme Court of Justice ruled the Naso comarca constitutional, and the legal process for its creation was underway. In June the Bri Bri people submitted a demand to the Supreme Court for protection of their human rights, requesting that the court overturn the denial of their application for collective title to their lands.

The Barro Blanco dam project, opposed by the Ngabe Bugle peoples, continued to operate unhindered. There were no plans by the government to halt dam operations.

Although the law is the ultimate authority in indigenous comarcas, many indigenous peoples had not received sufficient information to understand their rights. Additionally, due to the inadequate educational system available in the comarcas, many indigenous peoples were unaware of or failed to use available legal channels.

Societal and employment discrimination against indigenous persons was widespread. Employers frequently denied indigenous workers basic rights provided by law, such as a minimum wage, social security benefits, termination pay, and job security. Laborers on the country's agricultural plantations (most of whom were indigenous persons) continued to work in overcrowded and unsanitary conditions. The Ministry of Labor conducted limited oversight of working conditions in remote areas.

Access to health care continued to be a significant problem for indigenous communities, primarily due to poor infrastructure and lack of personnel and supplies. During the year the Embera health and sanitary infrastructure collapsed under the increased influx of migrants emerging from Colombia. The Ngabe

Bugle people closed the Interamerican Highway on several occasions, demanding significant improvements to their comarca's road system. Deficiencies in the educational system deepened at all levels during the COVID-19 pandemic. Although the public school system remained operational through virtual education, the comarcas typically had very limited access to internet and radio signals. These technological barriers prevented indigenous students from accessing educational opportunities.

Children

Birth Registration: The law provides citizenship for all persons born in the country, but parents of children born in remote areas sometimes had difficulty obtaining birth registration certificates.

Child Abuse: Child abuse is illegal. The law has several articles pertaining to child abuse and its penalties, which depend on the type of abuse and range from six months to 20 years' imprisonment if the abuse falls under a crime that carries a higher penalty. Public Ministry statistics as of September reported that 3,660 children were victims of different types of abuse; the Public Ministry believed these crimes were underreported. The Ministry of Social Development maintained a free hotline for children and adults to report child abuse and advertised it widely. The ministry provided funding to children's shelters operated by NGOs.

In February the Women's, Children and Youth Commission of the National Assembly revealed the results of a study commissioned in 2019 of children's shelters nationwide. The 700-page report, which was not made public but was widely discussed by legislators, allegedly revealed widespread abuse, including sexual abuse, negligence, lack of supply of medications, and administrative irregularities in the shelters investigated. These shelters were managed by NGOs, supervised by the National Secretariat for Children, Adolescents, and Family Affairs (SENNIAF), and operated with government funding.

In late August, SENNIAF announced that between May and July, it filed eight criminal complaints for alleged abuse in shelters, in response to a legislator who alerted the media about receiving anonymous complaints detailing additional abuse cases in SENNIAF-supervised shelters. As of September, the Public Ministry had

opened 27 cases, charged 13 individuals, and convicted three others.

Child, Early, and Forced Marriage: The minimum legal age for marriage is 18. The government prohibits early marriage even with parental permission.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation, sale, and offering for prostitution of children, in addition to child pornography. Officials from the Ministry for Public Security prosecuted cases of sexual abuse of children, including within indigenous communities. Ministry officials believed commercial sexual exploitation of children occurred, including in tourist areas in Panama City and in beach communities, although they did not keep separate statistics. As of September, there were no cases reported nationwide of child sexual tourism.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

Jewish community leaders estimated there were 15,000 Jews in the country. There were no known reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Persons with disabilities faced difficulty accessing education, health services, public buildings, and transportation on an equal basis with others. Government information and communication is not provided in accessible formats, and there is no law requiring such access. The law mandates that persons with disabilities have access to education and health services, including rehabilitation and therapies,

public transportation, public and private buildings, sports and cultural events, and jobs without discrimination. In practice, however, accessibility was limited.

Private schools started reopening in June, but public schools remained closed during the year due to the pandemic. Public schools taught via the public SerTV radio and television stations. Only occasionally did the Ministry of Education facilitate sign language interpretation for students with hearing disabilities during classes taught on television. Schools did not address other disabilities during home and virtual schooling.

Most of Panama City's bus fleet remained wheelchair inaccessible. Public buses in the rest of the country were small and not adapted for persons with disabilities. The Panama City Metro elevators remained closed for most of the year, according to NGO representatives. A lack of ramps further limited access to older stations, although Metro Line 2 had ramp access.

HIV and AIDS Social Stigma

The law prohibits discrimination against persons with HIV and AIDS in employment and education. Discrimination, however, continued to be common due to ignorance of the law and a lack of mechanisms for ensuring compliance. LGBTQI+ individuals with HIV or AIDS reported mistreatment by public health-care workers.

Employees are not obligated to disclose their condition to the employer, but if they do so, the employer must keep the information confidential. Employers may be fined for not keeping an employee's medical condition confidential. The government was not active in preventing discrimination against persons with HIV and AIDS.

There were fewer public HIV/AIDS medical treatments and supplies available, since most medical resources were dedicated to fighting COVID-19. The University of Guatemala funded stigma-free "friendly clinics" for LGBTQI+ COVID-19 patients, but activists reported that staff members in these clinics were not friendly to their visitors.

During the year there was only one appointment per month at the Ministry of

Health's facilities for the HIV viral load test. Pregnant women who needed the test were prioritized for appointments over members of the LGBTQI+ community.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

During the COVID-19 pandemic, LGBTQI+ persons reported harassment by public-health officials, but there were no public reports of police harassment during the year.

In June, LGBTQI+ activists organized two Pride Month parades in Panama City. Early in the month, the private Museum of Liberty and Human Rights raised the Pride flag, but days later it was vandalized by a group of "profamily" and anti-same-sex marriage activists during a protest outside the museum. Part of the museum's board decided not to raise the flag again. As a result, five board members submitted their resignations to the board's president in protest. The Canal Museum also raised the Pride flag but later took it down upon receiving a government request citing a law that stipulate only the Panamanian flag can be flown in government buildings. The Canal Museum is a joint private-public venture and received public funding.

The law does not prohibit discrimination based on sexual orientation. There was societal discrimination based on sexual orientation and gender identity, which often led to denial of employment opportunities. Same-sex marriage continued to be prohibited by law. As of October the Supreme Court had not ruled on the 2016 class-action lawsuit requesting the article of the family code that refers to marriage as "the union of a man and a woman," and thus forbids same-sex legal unions, be declared unconstitutional. Panamanian same-sex couples who were married abroad were not allowed to legally register their marriage. In September the Supreme Court did not admit a writ of mandamus filed by a local law firm against the Civil Registry's decision not to register the same-sex marriage of a Panamanian citizen and his Colombian spouse held in Colombia in 2017.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for private-sector workers to form and join independent unions, bargain collectively, and conduct strikes. Public-sector employees may organize to create a professional association to bargain collectively on behalf of its members, even though public institutions are not legally obliged to bargain with the association. Members of the national police are the only workers prohibited from creating professional associations. There were 14 public-worker associations registered. The National Federation of Public Servants (FENASEP), an umbrella federation of 31 public-sector worker associations, traditionally fought to establish rights similar to those of private-sector unions. The law prohibits antiunion discrimination and requires reinstatement of workers terminated for union activity but does not provide adequate means of protecting this right.

Unions and associations are required to register with the Ministry of Labor. If the ministry does not respond to a private-sector union registration application within 15 calendar days, the union automatically gains legal recognition, provided the request is submitted directly with the supporting documentation required. In the public sector, professional associations gain legal recognition automatically if the Ministry of Government does not respond to registration applications within 30 days. According to FENASEP leaders, most associations were approved, although some cases were denied for political reasons. According to official sources, the Ministry of Labor approved applications for the formation of two private-sector unions and one public-sector association during the year.

The law allows arbitration by mutual consent, at the request of employees or the ministry, in cases of collective disputes at privately held companies. It allows either party to appeal if arbitration is mandated during a collective dispute at a public-service company. The Ministry of Labor Board of Appeals and Conciliation has the authority to resolve certain labor disagreements within the private sector, such as internal union disputes, enforcement of the minimum wage, and some dismissal issues. For example, the Ministry of Labor, as a mediator in biennial minimum wage negotiations between unions and businesses in 2019, announced a minimum wage increase of 3.3 percent when negotiations failed.

Government regulations on union membership place some restrictions on freedom of association. The constitution mandates that only citizens may serve on a union's executive board. In addition, the law requires a minimum of 40 persons to form a private-sector union (either by a company across trades or by trade across companies) and allows only one union per business establishment. The International Labor Organization criticized the 40-person minimum as too large for workers wanting to form a union within a company. Many domestic labor unions, as well as the public and private sectors, reiterated their support for keeping the figure at 40 individuals, since having a greater number of participants can strengthen a union's influence.

In the public sector, professional associations represent the majority of workers. The law stipulates only one association may exist per public-sector institution and permits no more than one chapter per province. At least 50 public servants are required to form a professional association. No law protects the jobs of public-sector workers in the event of a strike. FENASEP contended there was no political will to allow all public servants within ministries to form unions, because this could eliminate positions for political appointees.

The law prohibits federations and confederations from calling strikes. Individual professional associations under FENASEP may negotiate on behalf of their members, but the Ministry of Labor can order compulsory arbitration. According to the labor code, the majority of private-sector employees must support a strike, and strikes are permitted only if they are related to improvement of working conditions, a collective bargaining agreement, repeated violations of legal rights, or support for another workers strike on the same project (solidarity strike). In event of a strike, at least 20 to 30 percent of the workforce must continue to provide minimum services, particularly public services defined by law as essential, such as transportation, sanitation, mail delivery, hospital care, telecommunications, and provision of necessary food.

Strikes in essential transportation services are limited to those involving public passenger services. The law prohibits strikes by Panama Canal Authority employees but allows professional associations to organize and bargain collectively on issues such as schedules and safety and provides arbitration to resolve disputes. The Canal Authority is an autonomous entity, independent of the

national government and as such is subject to its own labor regulation.

The Ministry of the Presidency Conciliation Board is responsible for resolving public-sector worker complaints. The board refers complaints it cannot resolve to an arbitration panel, which consists of representatives from the employer, the professional association, and a third member chosen by the first two. If the dispute cannot be resolved, it is referred to a tribunal under the board. Observers, however, noted that the Ministry of the Presidency had not named the tribunal judges. The alternative to the board is the civil court system, but those procedures can take more than three years and usually result in negative outcomes for the employee. While Supreme Court decisions are final, labor organizations may appeal cases in international human rights courts.

The government did not consistently enforce the law in the formal sector and was less likely to enforce the law in most rural areas (see section 6, Indigenous Peoples). Throughout the year the administration continued to dismiss public workers, mostly without citing a legal basis and all without paying negotiated employment benefits such as paid vacation leave or severance pay. According to reports, these firings were due to the change in government and not the COVID-19 pandemic. An estimated 80,000 public workers had been dismissed since the start of President Cortizo's administration in 2019. In August FENASEP presented a lawsuit to the Supreme Court for noncompliance with Decree 466 of 2020, which prohibits employees from being fired during the state of emergency imposed due to the pandemic. In the lawsuit FENASEP also claimed that workers were not paid for months after being called back to work during the pandemic.

The government and employers generally respected freedom of association. Penalties for violations were commensurate with those for similar offenses.

b. Prohibition of Forced or Compulsory Labor

Although the law prohibits all forms of human trafficking, including forced labor of adults and children, the penal code stipulates that a trafficking offense must include movement, which is inconsistent with international protocols. The law establishes criminal penalties commensurate with those for other similar serious crimes.

The government enforced the law in the formal sector. The Ministry of Labor investigated human trafficking for the purpose of forced labor, granted residency and work permits for foreign trafficking victims, and provided additional food and hygiene support to trafficking victims during the pandemic. Authorities prosecuted and convicted fewer perpetrators of labor exploitation and identified fewer potential forced labor victims, compared with previous years. In July the Public Ministry sentenced a person to 23 years in prison for the crimes of trafficking in persons (sexual servitude), kidnapping, and extortion. The convicted person was also disqualified from exercising public functions for five years after completing the prison term.

Forced labor occurred, mainly with sexual exploitation of adults and children. Labor traffickers reported using debt bondage, false promises, exploitation of migratory status, lack of knowledge of the refugee process and irregular status, restrictions on movement, and other indicators of forced labor. Migrant workers without work permits were vulnerable to forced labor. There also were reports of forced child labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor. Minors younger than 16 may work no more than six hours per day or 36 hours per week, while children ages 16 and 17 may work no more than seven hours per day or 42 hours per week.

Children younger than 18 may not work between 6 p.m. and 8 a.m. The law prohibits employment of children younger than 14, and children who have not completed primary school may not begin work until 15. The law allows children ages 12 to 15 to perform light work in agriculture if the work is outside regular school hours. The law also allows a child older than 12 to perform light domestic work and stipulates that employers must ensure the child attends school through primary school. The law neither defines the type of light work children may perform nor limits the total number of light domestic work hours children may perform. The law prohibits children younger than 18 from engaging in hazardous work but allows children as young as 14 to perform hazardous tasks in a work-

training facility, in violation of international standards.

The government inconsistently enforced the law; criminal penalties were commensurate with those for similar crimes but were not enforced in all sectors. Children were exploited in forced labor, particularly domestic servitude, and subjected to sex trafficking and sexual exploitation. After the government prosecuted and convicted its first child-labor case in September 2020, it started investigating a second case and provided social services to 1,500 child victims and children at risk of child labor.

Child labor occurred. According to the observations of a well known NGO on child labor, before the pandemic, child labor was centered in the agricultural sector, but pandemic movement restrictions forced children and adolescents to also become street vendors in urban areas. Children worked in agriculture, where they could be subjected to hazardous work. Children from indigenous and Afro-descendent communities were most vulnerable to the worst forms of child labor.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on race, sex, religion, political opinion, citizenship, disability, social status, and HIV status. The law does not prohibit discrimination based on sexual orientation or gender identity. Although the country is a member of the International Equal Pay Coalition, which promotes pay parity between women and men, a gender wage gap continued to exist, and no law mandates equal pay for equal work. The law puts restrictions on women working in jobs deemed hazardous.

The government did not effectively enforce the law, and penalties were not commensurate with those for similar crimes. Despite legal protections, discrimination in employment and occupation occurred with respect to race, sex, disability, and HIV-positive status. During the job interview process, applicants, both citizens and noncitizens, must complete medical examinations, including

HIV/AIDS testing. The law requires all laboratories to inform applicants that an HIV test will be administered, but private-sector laboratories often did not comply. It was common practice for private-sector human resources offices to terminate applications of HIV-positive citizens without informing the applicant. While private laboratories often informed law enforcement of HIV-positive migrants, the National Migration Service did not engage in deportation procedures based specifically on a migrant's HIV status. NGOs noted that during job interviews, women were often asked if they were married, pregnant, or planned to have children. It was common practice for human resources offices to terminate the applications of women who indicated a possibility of pregnancy in the near future (see section 6, Women). Persons with disabilities continued to face discrimination in hiring and accessing the workspace.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provides for a national minimum wage only for private-sector workers. The wage was above the poverty line. Public servants received lower wages than their private-sector counterparts, but salaries were above the poverty line. Most workers formally employed in urban areas earned the minimum wage or more. According to some reports, the pandemic eliminated as much as 50 percent of formal jobs in the private sector.

The law establishes a standard workweek of 48 hours, provides for at least one 24-hour rest period weekly, limits the number of hours worked per week, provides for premium pay for overtime, and prohibits compulsory overtime. There is no annual limit on the total number of overtime hours allowed. If employees work more than three hours of overtime in one day or more than nine overtime hours in a week, excess overtime hours must be paid at an additional 75 percent above the normal wage. Workers have the right to 30 days of paid vacation for every 11 months of continuous work, including those who do not work full time.

Occupational Safety and Health: The Ministry of Labor is responsible for setting health and safety standards. Standards were generally current and appropriate for the industries in the country. The law requires employers to provide a safe workplace environment, including the provision of protective clothing and equipment for workers. Equipment was often outdated, broken, or

lacking safety devices, due in large part to fear that replacement costs would be prohibitive. After the beginning of the pandemic, all workplaces were required to establish a health committee to enforce the mandatory health standards established by the Ministry of Health.

The Ministry of Labor generally enforced the law in the formal sector. The inspection office consists of two groups: the Panama City-based headquarters group and the regional group. The number of inspectors and safety officers was sufficient to enforce wage, hour, and safety regulations adequately in the formal sector. As of September, the ministry conducted 8,551 safety inspections, an increase of 110 percent from the same period in 2020. Penalties were not commensurate with those for similar violations. Employers often hired employees under short-term contracts to avoid paying benefits that accrue to long-term employees. Employers in the maritime sector also commonly hired workers continuously on short-term contracts but did not convert them to permanent employees as required by law. The law states that employers have the right to dismiss any employee without cause during the two-year tenure term. As a result, employers frequently hired workers for one year and 11 months and subsequently dismissed them to circumvent laws that make firing employees more difficult after two years of employment. This practice is illegal if the same employee is rehired as a temporary worker after being dismissed, although employees rarely reported the practice.

In workplaces 83 accidents were registered. Construction was the most dangerous sector for workplace accidents, accounting for 82 percent of all accidents registered. In some cases, equipment was outdated, broken, or lacking safety devices, and in other cases the employee failed to wear appropriate personal protective equipment. In February a construction worker died after falling from the 26th floor of a building under construction. The Public Ministry is charged with investigating these incidents. The most hazardous sectors were construction, agriculture, and mining.

Informal Sector: According to official sources, in September 2020, 53 percent of the working population worked in the informal sector, and some earned well below the minimum wage. The informal sector grew substantially over the past two years due to massive job dismissals in the formal sector because of the COVID-19

pandemic.

In August 2020 the government reformed the law to promote the creation and development of micro, small, and medium-sized enterprises. These reforms assisted the National Authority for Micro, Small, and Medium Sized Businesses to institute policies to help formalize the economy, including the creation of soft loans and policies to help employers pay required social security fees to employees.